

ZB# 00-61-A

Lockwood / Rossi

44-1-27

#00-61A-Lockwood/Rossi

Use / 44-1-27.

Prelim.

Dec. 11, 2000.

SA: 976-
562-0976-
40 Rossi
Copy Hester's
of letter done

No action

required
based on
Hester's letter.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Lockwood/Rossi

FILE# 00-61

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA _____

USE X

APPLICATION FOR VARIANCE FEE \$ 150.00

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE \$ _____
2ND PRELIMINARY- PER PAGE \$ _____
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ _____

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: \$ _____
2ND PRELIM. \$ _____
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ _____

MISC. CHARGES:

_____ \$ _____
TOTAL \$ _____

LESS ESCROW DEPOSIT \$ _____
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

cc: Jerome
Rossi

R&F

12/11/00

ZBA

cc: Steve
Dnabick

5/21/01

w/minute

November 29, 2000

To Whom It May Concern:

Re: 44-1-27

Please be advised that the property located at 314 Quassaick Avenue in New Windsor, identified by Section/Block/Lot as 44-1-27, was, according to our records built in 1964.

It was originally built and used as a nursing home known as, Dillon's Nursing Home. It was later known as the New Windsor Town House for Adults. It has therefore, since inception been, a commercial use property in what is now an R4 Zone.

Sincerely,

Leslie Cook
Sole Assessor, Town of New Windsor

PRELIMINARY MEETING:

LOCKWOOD/ROSSI

MR. NUGENT: Request for change of use for accounting office at the former Townhouse Nursing Home located at 314 Quassaick Avenue in an R-4 zone.

Mr. Jerome Rossi and Ms. Barbara Corwin appeared before the board for this proposal.

MR. ROSSI: I'm a partner in the accounting firm of DiRienzo and Rossi located on Windsor Highway, New Windsor.

MS. CORWIN: Barbara Corwin, I'm Jerry's architect.

MS. CORWIN: I guess we're here to show you what we plan to do. We're here tonight to just, we have a proposed sketch plan for the building which will be used as professional offices which does require a use change and this is the existing survey, this is an overlay of what we propose and I do have prints for you too. We're not changing the building, we're changing the parking lot, eventually.

MR. ROSSI: Yes, to my understanding, what I believe we're applying for is an extension of non-conforming use. I have here a letter from the Town of New Windsor Assessor's office that basically says please be advised that the property located at 314 Quassaick Avenue, New Windsor identified by section, block lot as 44-1-27 was according to our records built in 1964. It was originally built and used as a nursing home known as Dillon's Nursing Home, later known as New Windsor Townhouse for adults. It's therefore since inception been a commercial use property in what is now an R-4 zone. And that was signed by Leslie Cook, the Sole Assessor for the Town of New Windsor so I'll present that to you.

MR. NUGENT: I'll put it in the record. Mike, that building that was there that didn't fit in an R-4 zone either, did it?

MR. BABCOCK: No, that's what the confusion was, I mentioned this a little bit at the last meeting, some of the records when we first started we indicated that it was a non-conforming use, it's been there before zoning and then it would be a matter of changing from one non-conforming use to another, then there was some further information that came into the office that Dillon it appeared that they had built it as a single family house and then sometime in 1972 and that's basically looking at some records that really couldn't make heads or tails about it, we talked to the assessor, Leslie and see what she could find going back and I just got back from vacation today so I'm not familiar with the letter myself but apparently, Leslie has seen that Dillon must of made it a nursing home at that time before '66 and then sold it to New Windsor Townhouse.

MR. NUGENT: It was Dillon's for a while.

MR. BABCOCK: But our records indicated at one point that we, the way we read it, it indicated that they had built it as a single family house and then sometime later changed it so therefore, it wouldn't be a non-conforming use and they'd come to this board. We found some paperwork in there that didn't have a lot of information about it, but they did go to the zoning board so--

MR. NUGENT: But you don't know for what reason?

MR. BABCOCK: Yeah, so we said it's really a crazy, there's no evidence that says exactly what it was, so Leslie has looked in her records which we would go by and if she's saying it was a nursing home before zoning and that it's a non-conforming use, then a non-conforming use the code says can will change from another non-conforming use with a special permit.

MR. NUGENT: But not if from this board.

MR. BABCOCK: That's right.

MS. CORSETTI: We have nothing in our records, I checked.

MR. TORLEY: With the new bulk tables as a nursing home, wouldn't it count under B12 and B13 or mercenary institutions, hospitals, so as it stands now, it may be safe for area variance, might be a conforming use as a nursing home, I don't know what the law says about if you have a non-conforming use and change the zoning code to previous non-conforming use is now conforming now you have admitted--

MR. NUGENT: It's in R-4, it's never going to conform.

MR. TORLEY: Says by special permit of the planning board, I'm assuming that at some point the zoning board was the equivalent of that.

MR. BABCOCK: What we have to do first is if we're going to go by, I mean the board has to make the decision if we're going to go by Leslie's letter and consider it a non-conforming use, then we need to take the steps from there. When like I said I just got back from vacation, that's the first I seen that letter which actually it's good for the applicant that it came out that way.

MR. TORLEY: But it still requires special permit from the planning board.

MR. BABCOCK: That's correct but you're hitting me with these questions first tonight and I haven't even had a chance to look at it and looking through the code there now, under 48-24, the non-conforming uses, says it can remain there indefinitely but cannot change to another non-conforming use, then goes on to tell you what you have to do if you want to change it.

MR. NUGENT: Well, I don't think they need a public hearing based on that, they don't, they need to go to the planning board special permit, go through the planning board, not us.

MR. BABCOCK: If that's what is determined and Andy's reading it now, I don't think they would need an interpretation, I think maybe Andy should answer this, I think, but he, I think what she'd need is a site plan

which they're going to have to do anyway, they know that when they go to the planning board for the site plan, they get site plan and special permit all at one time.

MR. KRIEGER: That's the way I read it, yes, whether it was non-conforming, whether it's, they're not helped by the fact that if there's been a change in the code and somehow made it conforming if it was non-conforming certainly which it was established it's pre-existing, and if the board is satisfied that Leslie Cook's letter establishing its pre-existing non-conforming status, then all they need to do is go to the planning board, they need to ask for two things once they're there but nothing here.

MR. NUGENT: So based on this letter, we can hang our hat on this, is that what you're saying?

MR. KRIEGER: Yes, let me see the letter here.

MR. REIS: Just for the record, the existing building the way it sits, the footprint is going to remain the same?

MR. ROSSI: Yes, sir.

MR. REIS: The curb cuts that you have on the map is that required by the planning board or something that you just developed?

MR. ROSSI: Probably both, it's something that we'd like to develop and probably something that would be favored by the planning board.

MR. KRIEGER: I think the board could interpret that letter as being the only credible evidence and if there's some evidence to the contrary then it would require a hearing but if there's no evidence to the contrary then--

MR. BABCOCK: Like I said, there's information in the record that it is not clear at all, there was some information, they went to the ZBA, it doesn't say what they did at the ZBA.

MR. KRIEGER: No substantial evidence to the contrary?

MR. BABCOCK: Nothing.

MR. KRIEGER: Matter of fact, that wouldn't even be probative evidence, it would be some hint of possible evidence maybe if one dug deep enough one day.

MR. NUGENT: Do we need a motion?

MR. TORLEY: Before they go, just one quick thing you would meet all the requirements you said you were changing the parking, are you going to have enough parking spots for the area that you have?

MR. ROSSI: Yes.

MR. KRIEGER: So I should think a motion is in order so that the board accept Leslie Cook's letter as the only credible evidence and that therefore, the property is a pre-existing, non-conforming use and according to 48-24B, any further action has to be, must be in front of the planning board.

MR. NUGENT: I'll accept a motion.

MR. TORLEY: So moved.

MR. MC DONALD: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 11/21/00

APPLICANT: William Lockwood
PO Box 4328
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Proposed change of use

LOCATED AT: 314 Quassaick Ave.

ZONE: R-4 SEC/BLK/LOT: 44-1-27

DESCRIPTION OF EXISTING SITE: Existing adult home

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed change of use from an existing adult home to an accounting office is not permitted in an R-4 zone.


BUILDING INSPECTOR

PERMITTED Not

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: Bulk Tables R-4

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D.. FRONT YD:

REQ=D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ=D REAR YD:

REQ=D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A.. APPLICANT, FILE W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

NOV 16 2000

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 2000-1174

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises PAUL LOCKWOOD

Address 270 TENNIE HILL ROAD PO BOX 4328 12553 Phone 845-565-8110
NEW WINDSOR NY

Mailing Address SAME

Name of Architect BARBARA CORWIN

Address 1 BRIGGS ROAD CORNWALL ON HUDSON Phone 845-534-2244
NY 12520

Name of Contractor CIC CONTRACTING

Address 7 WEYANTS Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder (PROSPECTIVE PURCHASER)

If applicant is a corporation, signature of duly authorized officer [Signature] President
(Name and title of corporate officer)

1. On what street is property located? On the West side of RT 94 - 314 Quassack
and 0 (N, S, E or W) feet from the intersection of BLOOMING GLEN TPK

2. Zone or use district in which premises are situated 4 AREA 620 LOC: 0 Is property a flood zone? Y N X

3. Tax Map Description: Section 44 Block 1 Lot 27

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy ADULT RETIREMENT HOME b. Intended use and occupancy Accounting office

5. Nature of work (check if applicable) CHANGE OF USE NO
☐ New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front N/A Rear N/A Depth N/A Height N/A No. of stories N/A

8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor N/A

Number of bedrooms N/A Baths N/A Toilets N/A Heating Plant: Gas N/A Oil N/A
Electric/Hot Air N/A Hot Water N/A If Garage, number of cars N/A

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use CPA firm -

PREPARE TAX RETURNS, CONDUCT IRS/STATE AUDITS, BOOKKEEPING

10. Estimated cost N/A Fee \$50

PAID

CK # 8825 11/6/00

11.16.00
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

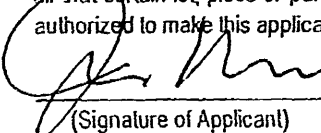
Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

102 WINDSOR HWY New Windsor NY
(Address of Applicant)

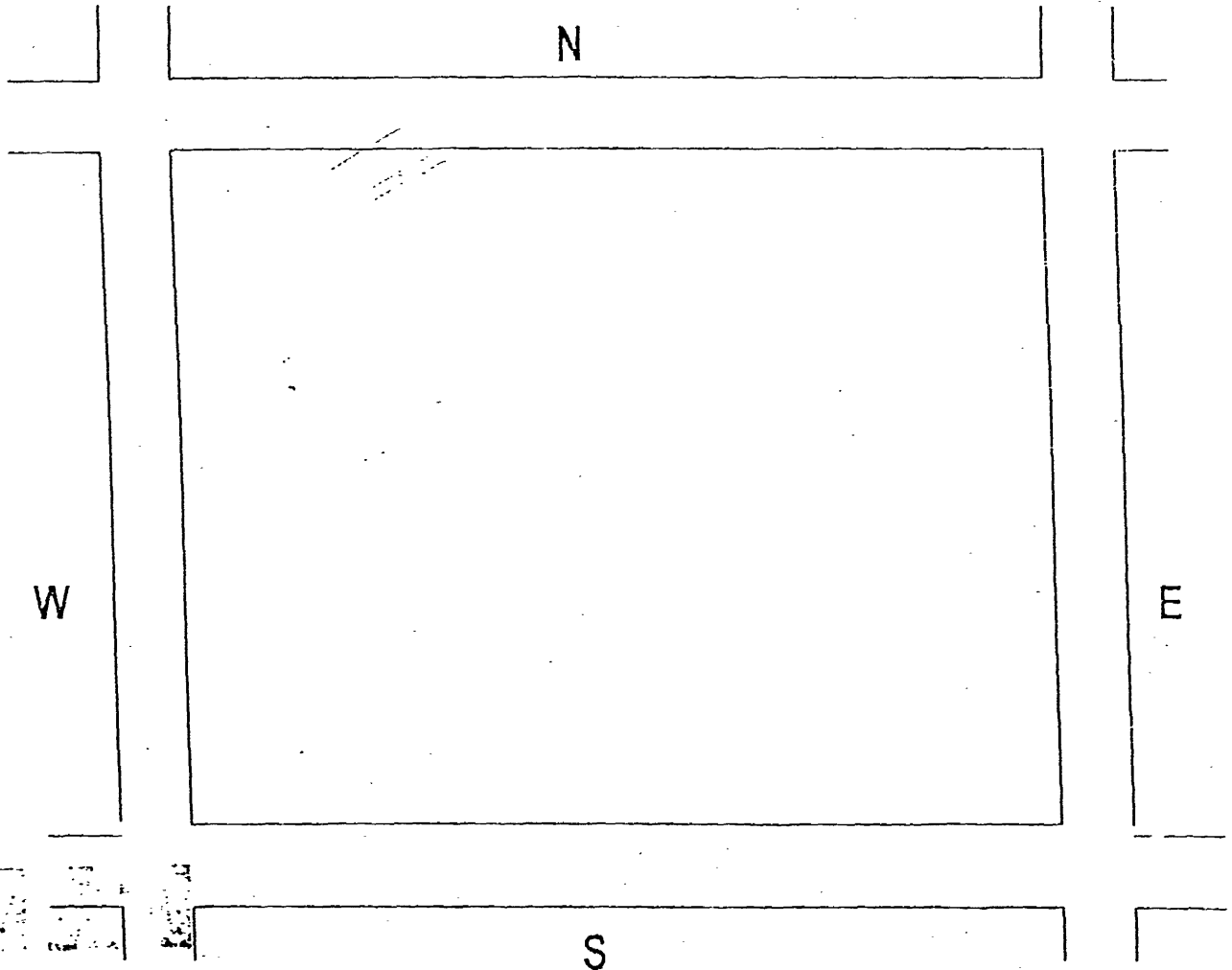
(Owner's Signature)

PLOT PLAN

(Owner's Address)

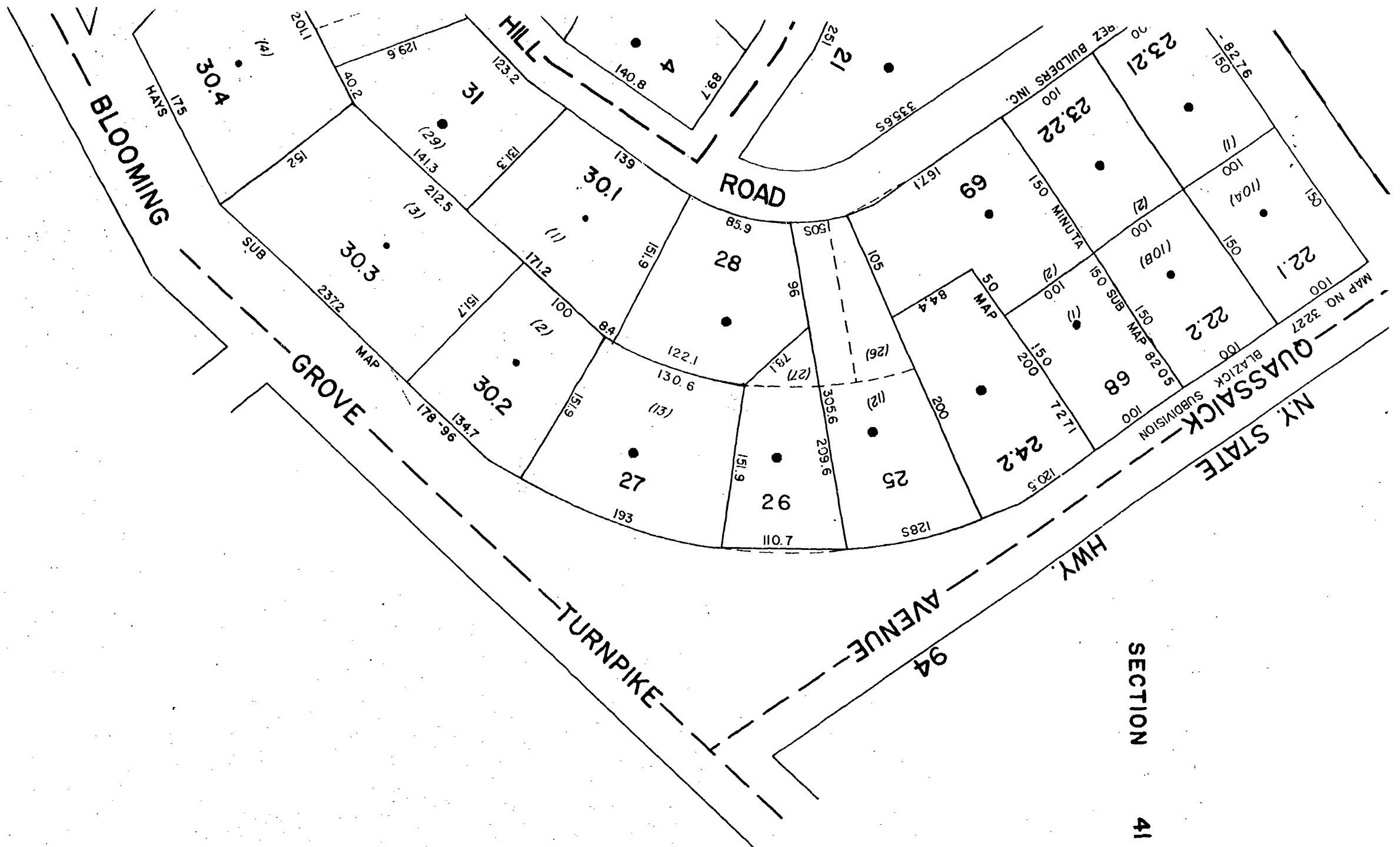
NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION

41



#00-61.

ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. JULY AND AUGUST: ONE MEETING PER MONTH ONLY.

PROCEDURE FOR A PUBLIC HEARING

Preparations for a public hearing are relatively simple IF YOU READ AND FOLLOW THIS PROCEDURE:

Step 1 - Order a variance list from the Assessor's Office. A deposit of \$25.00 payable to TNW must be paid in advance for this list. This list is necessary for the mailing of notices to all property owners within 500 feet of your property. The total fee for this list is based on the number of names and addresses on your list.

Step 2-While awaiting the preparation of the list, fill out the Application and Public Notice of Hearing (leave date blank) which you received at the preliminary meeting before ZBA.

Step 3 - When the list is completed, the Assessor's office will call you. Using the list, address an envelope for each, add your return address and a first-class stamp and hold. These will be used to forward the hearing notices to all of the adjacent property owners.

Step 4 - Call Pat at 563-4630 and MAKE AN APPOINTMENT to come in with your completed paperwork. At this time also bring with you a copy of your deed or contract of sale, title report (if you have one), photos, completed applications, public hearing notice, addressed/stamped envelopes, and fees payable to the Town of New Windsor. A HEARING DATE WILL NOT BE SCHEDULED UNLESS ALL OF THE PAPERWORK IS COMPLETED AND RETURNED WITH THE FEES TO THE SECRETARY.

Step 5 - The Public Notice of Hearing must be published in the local paper one time, ten days prior to the hearing date. Secretary will make arrangements for the publication of the notice. Applicant is responsible for the payment of publication. Secretary will fill in the date of public hearing on notice when all paperwork is received.

Step 6 - Once the Secretary has had an opportunity to review the hearing notice, she will add the hearing date and you may then insert the completed public hearing notice in each of the prepared envelopes, seal each envelope and bring back to Pat in the order in which they appear on the list. She will then compare the envelopes with the list, if it checks out, she will prepare an Affidavit of Mailing and mail the envelopes out. Notices must be postmarked at least 10 days before the hearing date.

Step 6 - Prepare two separate checks both payable to the Town of New Windsor, one in the amount of \$50.00 (residential) or \$150.00 (commercial) which is the variance application fee, and a second check in the sum of \$300.00 (residential) or \$500.00 (commercial). The second sum will be held in escrow pending the deduction of fee for stenographic services and attorney's fee for the handling of your file.

APPLICANT'S CHECK LIST:

1. Applications (3 copies);
2. Public notice of hearing;
3. Envelopes with names/addresses of adjacent property owners, stamped and ready for notice to be inserted;
4. Fees;
5. Copy of deed or contract of sale, title report, photographs of site.

IMPORTANT NOTE: If your application is approved by the ZBA, you have one (1) year from the date of approval within which to pursue your building plans. A variance becomes null and void after this period. If you are not planning to build within this time frame, you must apply to the ZBA before this date expires to seek an extension of this variance.

PATRICIA A. CORSETTI, SECRETARY
ZONING BOARD OF APPEALS
Town Hall - 555 Union Avenue
New Windsor, N. Y. 12553
(845)563-4630 - FAX (845)563-4692



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4630
Fax: (845) 563-4692

ZONING BOARD OF APPEALS

November 27, 2000

Jerome Rossi, CPA
DeRienzo & Rossi
102 Windsor Highway
New Windsor, N. Y. 12553

William Lockwood
P. O. Box 4328
New Windsor, N. Y. 12553

Re: Application for Variance #00-61 – 44-1-27

Dear Messrs. Rossi and Lockwood:

This is to confirm that the above-named Applicants are presently before the Zoning Board of Appeals for purposes of obtaining a change of use variance for the existing premises at 314 Quassaick Avenue.

Preliminary meeting regarding this Application is scheduled for December 11, 2000 at 7:30 p.m. in the Town Hall, 555 Union Avenue, New Windsor, N. Y.

Very truly yours,

Patricia A. Corsetti, Secretary
Zoning Board of Appeals